

**UNITED STATES COURT OF APPEALS
FOR THE FEDERAL CIRCUIT**

Federal Circuit Docket No.: 2021-2166

**Federal Circuit Caption: In re: Justin Samuels and Samuel Rockwell
Appellants**

**MOTION FOR EXTENSION OF TIME
TO REPLY TO APPELLEE’S BRIEF**

Pursuant to Federal Rule of Appellate Procedure 26(b) and Federal Circuit Rule 26(b), Appellants Justin Samuels and Samuel Rockwell (“Appellants”), with the consent of Appellee, the United States Patent and Trademark Office (the “USPTO”), respectfully requests that the date for filing their Reply to Appellee’s Brief (DKT. 11) be extended by thirty-one (31) days, to and including February 3, 2022.

Absent the requested extension, Appellants’ deadline for filing a Reply to Appellee’s Brief is January 3, 2022. This is Appellants’ first Motion for an Extension of Time to Reply to Appellee’s Brief. Undersigned Counsel has been informed by the USPTO’s counsel, Peter J. Ayers, that the USPTO consents to the requested extension.

Good cause exists for the granting of this Motion as detailed in the attached Affidavit of Todd S. Sharinn (the “Sharinn Decl.”). See **Exhibit A**. On December

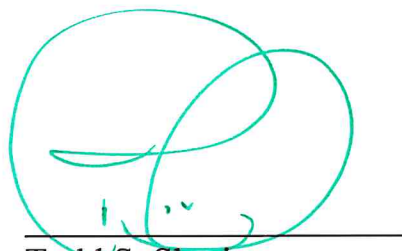
26, 2021, undersigned counsel leaves for a pre-planned and pre-paid out of country family vacation from December 26, 2021, through January 3, 2022. *See id.*

In addition, undersigned counsel has several ongoing matters with previously ordered dates to appear before multiple Courts, as well as earlier scheduled depositions, examinations under oath, and counsel meet and confers in several unrelated ongoing matters, all of which to be conducted during the relevant time period.

This extension is necessary for undersigned counsel to perform the requisite factual investigation and legal research necessary to prepare and file a Reply to Appellee's Brief after his return from vacation and attendance at the referenced prior scheduled Court and counsel dates. *See id.*

WHEREFORE, Appellants respectfully request that the Court grant this Motion and extend the time to file their Reply to Appellee's Brief by thirty-one (31) days, to and including February 3, 2022.

Stamford, Connecticut
December 13, 2021



Todd S. Sharinn
Gilbride, Tusa, Last & Spellane LLC
1011 High Ridge Road, Suite 305
Stamford, Connecticut 06905
Attorneys for Appellants

CERTIFICATE OF SERVICE

I hereby certify that on December 13, 2021, a copy of Appellants' Motion For Extension Of Time To Reply to Appellee's Brief, was filed electronically. Notice of this filing will be sent by e-mail to all parties by operation of the Court's Electronic Filing System. Parties may access this filing through the Court's CM/ECF System.

GILBRIDE, TUSA, LAST & SPELLANE, LLC

/Todd S. Sharinn/

Todd S. Sharinn
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EXHIBIT A

**UNITED STATES COURT OF APPEALS
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DECLARATION OF TODD S. SHARINN

I, Todd S. Sharinn, under penalty of perjury, declare:

1. I am an attorney licensed to practice law in, among other Courts, the United States Court of Appeals for the Federal Circuit. I am counsel with Gilbride, Tusa, Last, & Spellane, LLC (“GTLS”), attorneys for Appellants Justin Samuels and Samuel Rockwell (“Appellants”) in the above-referenced action.

2. I submit this declaration in support of Appellants’ Motion for Extension of Time to Reply to Appellee’s Brief (the “Motion”).

3. Absent the requested extension, Appellants’ deadline for filing a Reply to Appellee’s Brief is January 3, 2022.

4. This is Appellants’ first Motion for an Extension of time to Reply to Appellee’s Brief.

5. I have been informed by Appellee’s counsel, Peter J. Ayers, that Appellee consents to the requested extension.

6. Good cause exists for granting this Motion as I leave for a pre-planned and pre-paid out of country family vacation from December 26, 2021, through January 3, 2022.

7. In addition, I have several ongoing matters with previously ordered dates to appear before multiple Courts, as well as earlier scheduled depositions, examinations under oath, and counsel meet and confers in several unrelated ongoing matters, all of which to be conducted during the relevant time period.

8. This extension is necessary for me to perform the requisite factual investigation and legal research necessary to prepare and file a Reply to Appellee's Brief after my return from vacation and attendance at the referenced prior scheduled Court and counsel dates.

I declare, under penalty of perjury, that the foregoing is true and correct.
Executed at Stamford, Connecticut on December 13th, 2021.

Todd S. Sharinn